

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2-11 and 13-16 are pending in this case. Claims 1 and 12 are canceled without prejudice or disclaimer and Claims 2, 10, and 13 are amended by the present amendment and add no new matter. For example, amended Claims 2, 10, and 13 are supported by the original claims and Figure 19.

In the outstanding Office Action, Claims 1 and 10 were objected to for containing informalities. Claims 1 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Toda et al. (U.S. Patent No. 5,974,021, hereinafter “Toda”). However, Claims 2-11 and 13-16 were objected to as being dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if rewritten in independent form.

Applicants gratefully acknowledge the indication that Claims 2-11 and 13-16 include allowable subject matter.

Claims 2 and 13 have been amended to recite “said third pulse is synthesized another predetermined time before a trailing end of said first pulse” to clarify the subject matter being claimed. This amendment is supported, for example, by Figure 19. No new matter is added.

In response to the objection to Claims 1 and 10, Claim 10 has been amended to recite “recording pulse generating means,” consistent with 35 USC §112, 2nd paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so mutually agreeable claim language may be identified.

Claim 1 is now canceled. However, the subject matter of Claim 1 has been incorporated into Claims 2 and 10. Claims 2 and 10 have further been amended to address the language found objectionable in the Office Action. In particular, the phrase “pits and lands” replaces the phrase “pits and lands defined between said lands.” The phrase “laser

means for illuminating laser light based on the recording pulse" replaces the phrase "laser means for illuminating the laser light by the recording pulse." Finally, the phrase "said laser light based on the recording pulse" replaces the phrase "the laser light emitting pulsed light by the recording pulse." Applicants believe that Claims 2 and 10 clearly recite the claimed subject matter and do not contain any informalities. Accordingly, the objection to Claims 1 and 10 is believed to have been overcome.

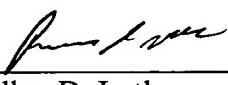
With regard to the rejection of Claims 1 and 12 under 35 U.S.C. §102(b) as anticipated by Toda, Claims 1 and 12 have been canceled, thus making the present rejection moot.

Claims 2-11 and 13-16 have been amended to include all the limitations of the base claim and any intervening claims.

Accordingly, in view of the indication of allowable subject matter and the amendments made to the claims, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)